

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
EARL S. WARD
ILANN M. MAAZEL
HAL R. LIEBERMAN
DANIEL J. KORNSTEIN
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KATHERINE ROSENFELD
DEBRA L. GREENBERGER
ZOE SALZMAN
SAM SHAPIRO

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.ecbalaw.com

CHARLES J. OGLETREE, JR.
EMERITUS

DIANE L. HOUK
JESSICA CLARKE

ALISON FRICK
DAVID LEBOWITZ
DOUGLAS E. LIEB
ALANNA KAUFMAN
EMMA L. FREEMAN
DAVID BERMAN
ASHOK CHANDRAN

DANIEL TREIMAN

January 28, 2019

VIA E-FILING

Hon. Gerald A. McHugh
United States District Court
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

Re: Gigi Jordan v. Raymond A. Mirra, Jr.
C.A. No. 1:14-cv-01485-GAM

Dear Judge McHugh:

In response to the January 25 letter from Special Master Judge Stengel, Plaintiff Jordan proposes to file her opposition to Defendant Mirra's motion for summary judgment on his counterclaims 30 days after:

1. The Court has ruled on the forthcoming Report and Recommendation of the Special Master insofar as it relates to counterclaim discovery issues, and
2. Completion of the needed counterclaim discovery (once the current discovery stay is lifted).

These steps are essential to our ability to adequately and properly respond to Mirra's potentially dispositive motion claiming more than \$7 million in damages. To arbitrarily pick a different response date before the above tasks are finished would severely prejudice Jordan.

Jordan only first received any previously requested discovery regarding Mirra's counterclaims when Mirra produced his legal bills with his summary judgment motion (while discovery was stayed). Mirra has not produced the rest of the requested counterclaim discovery ordered by the Court, such as proof that Mirra actually and personally paid those bills (versus one of the corporations he controls). Discovery is also needed because the bills contain charges related to six other cases block-billed together with charges for the RICO case as one matter, with more than half-a-million of the charges applying to those cases included among the damages Mirra claims. We also need the engagement letters and billings agreements Mirra

EMERY CELLI BRINCKERHOFF & ABADY LLP

Hon. Gerald A. McHugh
January 28, 2019
Page 2

arranged because the bills refer to a "contingency pot" that appear to impact Mirra's actual damages.

Recognizing this need, Judge Stengel asked at the January 11 conference: "If I were to recommend to Judge McHugh that he extend that [summary judgment motion response deadline], would that help you [i.e., Plaintiff]?" I responded, "That would certainly help because we need to get the new material." Jan. 11, 2019 Tr. at 17-18.

As Winston Churchill pleaded with America before we entered World War II, so too here: "Give us the tools and we will do the job."

Respectfully,

Daniel J. Kornstein

Daniel J. Kornstein

DJK:cr

cc: Hon. Lawrence Stengel
Kenneth J. Nachbar, Esq.
Thomas Will, Esq.
Robert Raskopf, Esq.
Julia Beskin, Esq.
Nicholas Hoy, Esq.
Donald Reinhard, Esq.
Elihu Ezekiel Allinson III, Esq.
Max Gershenoff, Esq.